

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOHN DOE,)	CASE NO. 7:05CV5006
)	
Plaintiff,)	
)	ORDER ADOPTING
vs.)	REPORT AND RECOMMENDATION
)	AND DISMISSING COMPLAINT
AMCO INSURANCE COMPANY,)	WITHOUT PREJUDICE
)	
Defendant.)	

This matter is before the Court on the Report and Recommendation of Magistrate Judge F.A. Gossett that this case be dismissed based on the Plaintiff's failure to effect service of process within 120 days of the filing of the Complaint. (Filing No. 4).

A Statement of Objections to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1) and NECivR 72.3(a) has not been filed. Having reviewed the record, I conclude that Judge Gossett's Report and Recommendation should be adopted, and the case should be dismissed without prejudice. Accordingly,

IT IS ORDERED:

1. The Report and Recommendation (Filing No. 4), in which the Magistrate Judge recommends that this case be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m), is adopted in its entirety;
2. This case is dismissed without prejudice; and
3. The Plaintiff shall bear his own costs and attorney's fee.

DATED this 2nd day of November, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge